

Regular Session, 2009

HOUSE BILL NO. 125

BY REPRESENTATIVE RITCHIE

COURTS/COURT COSTS: Increases court costs for the marshal of the City Court of Bogalusa

1 AN ACT

2 To amend and reenact R.S. 33:1704.4, relative to the City Court of Bogalusa; to increase the  
3 fees the marshal is entitled to collect in civil matters; to provide for a contingent  
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:1704.4 is hereby amended and reenacted to read as follows:

7 §1704.4. Fees and costs; Bogalusa city marshal

8 Notwithstanding the provisions of R.S. 33:1704, the marshal of the city of  
9 Bogalusa shall be entitled to the following fees of office and no more in civil  
10 matters:

11 (1) For making service or attempted service and return of citation with or  
12 without petition on each defendant, ~~nine~~ not to exceed eighteen dollars.

13 (2) For making service or attempted service and return of supplemental or  
14 amended petition with or without accompanying citation, ~~nine~~ not to exceed eighteen  
15 dollars.

16 (3) For making service or attempted service and return of interrogatories and  
17 notice of cross interrogatories, ~~nine~~ not to exceed eighteen dollars.

18 (4) For making service or attempted service and return of garnishment under  
19 writ of fieri facias, twenty-five dollars.

1 (5) For making service or attempted service and return of writ of attachment  
2 on each witness, ~~ten~~ not to exceed eighteen dollars.

3 (6) For making service and return of writ of sequestration, ~~ten~~ not to exceed  
4 eighteen dollars.

5 (7) For taking bond authorized by law, ~~ten~~ not to exceed eighteen dollars.

6 (8) For making service or attempted service and return of notice of judgment,  
7 ~~nine~~ not to exceed eighteen dollars.

8 (9) For making service or attempted service and return of citation and  
9 petition for appeal and order, ~~nine~~ not to exceed eighteen dollars.

10 (10) For return on writ of fieri facias, ~~ten~~ not to exceed eighteen dollars.

11 (11) For making service or attempted service and return of citations requiring  
12 personal service, ~~ten~~ not to exceed eighteen dollars, to wit: rule nisi, subpoena,  
13 subpoena duces tecum, judgment debtor.

14 (12) For keeping property under seizure by any writ or process, fees to be  
15 fixed by the court after service of notice to the parties or their attorneys of record in  
16 the suit.

17 (13) For collecting money pursuant to an execution of an order of seizure  
18 and sale or a writ, without either seizure or sale, six percent, with a minimum of ~~ten~~  
19 not to exceed eighteen dollars for each execution or order of seizure and sale.

20 (14) For making seizure under writ of fieri facias, making and serving notice  
21 of seizure on one party, and making a copy for recordation in the mortgage records  
22 when necessary or required and for returns thereon, for all, ~~fourteen~~ not to exceed  
23 fifty dollars. For service of each notice of seizure and return thereon in connection  
24 with execution of writ of fieri facias, ~~ten~~ not to exceed eighteen dollars.

25 (15) For serving each order of court not otherwise herein specially provided  
26 for or for any other enumeration provided for in R.S. 33:1704 not otherwise herein  
27 specially provided for, ~~nine~~ not to exceed eighteen dollars.

28 (16) For each mile or fraction thereof actually and necessarily traveled in  
29 going to and returning from the service of any process of court, the marshal of the

1 city of Bogalusa shall be reimbursed at a rate equal to that rate established for state  
 2 employees by the division of administration. No constructive mileage shall be  
 3 allowed. When service of different processes in the same case or processes of court  
 4 in different cases are served on the same official tour of the marshal, the actual  
 5 mileage traveled shall be prorated.

6 Section 2. Notwithstanding any other law to the contrary, the Judicial Council of the  
 7 Supreme Court of Louisiana shall review and conduct an evaluation of any proposed fee  
 8 increase in Section 1 of this Act. After review and recommendation, if the Judicial Council  
 9 agrees that a fee increase is necessary and reasonable, the jurisdiction listed in Section 1  
 10 shall have authority to implement a fee increase. This Act and the fee increase shall take  
 11 effect and become operative on October 1, 2009, only if the Judicial Council of the Supreme  
 12 Court of Louisiana has provided publication of notice in the Louisiana Register by  
 13 September 15, 2009, giving notice of a favorable review by the council approving the costs  
 14 increase provided for in House Bill No. 125 of the 2009 Regular Session of the Legislature  
 15 of Louisiana as required by the provisions of R.S. 13:62. If the Judicial Council finds, after  
 16 review and recommendation, that a fee increase is not necessary, the jurisdiction listed in  
 17 Section 1 shall not have authority to implement a fee increase, and the bill shall be null and  
 18 void and without effect.

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Ritchie

HB No. 125

**Abstract:** Increases the fees which the marshal of the city of Bogalusa is entitled to collect.

Present law provides that the marshal of the city of Bogalusa shall be entitled to collect fees in civil matters.

Proposed law increases the fees the marshal of the city of Bogalusa is entitled to collect from \$9 to \$18, from \$10 to \$18, and from \$14 to \$50, respectively, and shall not exceed the amount of the increase in fees.

Proposed law provides for an evaluation of the fee increased by the Judicial Council and if approved by the council, the proposed law and the fee increase becomes effective Oct. 1, 2009, provided that the council publishes notice of approval in the La. Register by Sept. 15,

2009. Provides that proposed law shall be null and void and without effect if the council finds that the fee increases are not necessary.

(Amends R.S. 33:1704.4)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Specifies that the proposed fees shall not exceed the amount of the increase in fees.
2. Provides the fee increase shall become effective Oct. 1, 2009, subject to approval by Judicial Council and publication in the La. Register by Sept. 15, 2009.
3. Provides that proposed law shall not become effective on Oct. 1, 2009, if the council finds that the fee increases are not necessary and the proposed law shall be null and void and without effect.